

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

OCT 24 2013

SEAN P. McAVOY, CLERK
DEPUTY
YAKIMA, WASHINGTON

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BRIAN EDWARD POLLOCK,

Defendant.

NO: CR-13-2115-LRS

PRE-TRIAL DIVERSION AGREEMENT

PRE-TRIAL DIVERSION AGREEMENT

(September 25, 2013 JAC)
It is alleged by an Information filed by the United States Attorney on ~~April~~, 2013 in Cause Number CR-13-~~2115-LRS~~ that BRIAN EDWARD POLLOCK committed the following offense against the United States in the Eastern District of Washington:

- Count 1: On or about September 26, 2006 and continuing until on or about November 23, 2009, in Ellensburg, Washington, in the Eastern District of Washington, Defendant BRIAN EDWARD POLLOCK, willfully and knowingly did steal and purloin \$14,821.63 from the United States, all in violation of 18 U.S.C. § 641.

It appears, however, after an investigation of the offense and BRIAN EDWARD POLLOCK's background, that the interests of the United States and BRIAN EDWARD POLLOCK's own interests, and the interests of justice, will be served by the following procedure, therefore:

On the authority of the Attorney General of the United States, by MICHAEL C. ORMSBY, United States Attorney for the Eastern District of Washington, prosecution in this District for this offense shall be deferred for a period of 18 months from the date of the filing of this Agreement, provided you abide by the following conditions and the requirements of the Pre-Trial Diversion program set out below.

Should you violate any conditions of this supervision, the United States Attorney or his designee may revoke or modify any conditions of this Pre-Trial Diversion program or change the period of supervision for an additional period which shall in no case exceed 12 months from the original termination date of the diversion agreement. The United States Attorney may release you from supervision at any time. The United States Attorney may at any time within the period of your supervision reinstitute prosecution for this offense should you violate the conditions of this supervision and will furnish you with notice specifying the conditions of your program which you have violated.

As part of this Agreement, you have agreed to a separate Tolling Agreement. The Tolling Agreement is attached hereto as Exhibit 1 to this Agreement and is fully incorporated into this Agreement.

If, upon successful completion of the program and your period of supervision, a Pre-Trial Diversion report is received to the effect that you have complied with all the rules, regulations and conditions above mentioned, the United States will move to dismiss, with prejudice, the charge for the above described offense.

Neither this Agreement nor any other document filed with the United States Attorney as a result of your participation in the Pre-Trial Diversion Program will be used against you in connection with any prosecution for the above described offense or be provided to any other person or entity other than the United States Attorney's Office, United States District Court, and the United States Probation Office without Court order or as otherwise required by law.

CONDITIONS OF PRE-TRIAL DIVERSION

1. You shall not commit a violation of any law (federal, state and local). This condition shall not apply to infractions. You shall immediately contact your Pre-Trial Diversion supervisor if arrested and/or questioned by any law enforcement officer.

actively seek employment if unemployed, or be
enrolled full time at an educational institution.

Alker *AB* 9/15/13

2. You shall be employed regularly at a lawful occupation.
3. You shall pay to the United States \$14,821.63 in restitution and a fine of \$1,000.00. You shall receive credit for any monies already paid toward the \$14,821.63 you stole from the United States as set forth in the Information in this matter. The United States understands that you previously paid \$10,323.39 toward your restitution obligation, leaving an outstanding balance of \$4,562.45 in remaining restitution. You shall pay the restitution on a schedule of \$309.03 a month, with the first payment due ~~upon the first day of this Pre Trial Diversion Agreement~~ and the first of the month thereafter, until such time as the remaining restitution obligation is satisfied.
4. You shall continue to live in this judicial district. If you desire to move out of the district, you shall obtain permission from your diversion supervisor so that the appropriate transfer of program responsibility can be made prior to your relocation.
5. You shall report to your diversion supervisor as directed and keep him/her informed of your whereabouts.
6. You shall not possess, control and/or consume any controlled substance without a valid prescription or items commonly used for the consumption of such substances (drug paraphernalia), or be in any place where such substances are located, controlled and/or consumed. Prescription drugs shall not include marijuana.

Alker *8/28/13*
no later
than October
28, 2013

I, **BRIAN EDWARD POLLOCK**, assert and certify that I am aware of the fact that the Sixth Amendment to the Constitution of the United States provides that in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial. I also am aware that Rule 48(b) of the Federal Rules of Criminal Procedure provides that the Court may dismiss an indictment, information, or complaint for unnecessary delay in presenting a charge to the Grand Jury, filing an information, or in bringing a defendant to trial.


I hereby request that the United States Attorney for the Eastern District of Washington defer any prosecution of me for violations of 18 U.S.C. § 641, as described herein, for a period of 18 months, and to induce him to defer such prosecution I agree and consent that any delay from the date of this Agreement to the date of the initiation of the prosecution, as provided for in the terms expressed herein, shall be deemed to be a necessary delay at my request and I waive any defense to such prosecution on the ground that such delay operated to deny my rights under Rule 48(b) of the

Federal Rules of Criminal Procedure and the Sixth Amendment to the Constitution of the United States to a speedy trial or to bar the prosecution by reason of the running of the statute of limitations for the effective period of this Diversion Agreement.

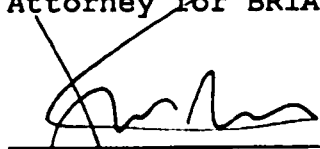
I hereby state that the above has been read by me and explained to me by my attorney. I understand the conditions of my Pre-Trial Diversion and agree that I will comply with them.


BRIAN EDWARD POLLOCK

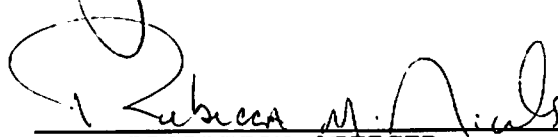
4/23/2013
DATE


ALISON K. GUERNSEY
Attorney for BRIAN EDWARD POLLOCK

4/23/2012
DATE



JAMES A. GOEKE
Assistant United States Attorney

4/25/2013
DATE


U.S. PROBATION OFFICER

10/24/13
DATE

APPROVED without passing judgment on the merits or wisdom of this diversion.


HONORABLE Lenny R. Suiko
U.S. District Court Judge

10/24/13
DATE